

REMARKS

Claims 1-44 remain pending in the application.

The Applicants respectfully request the Examiner to reconsider earlier rejections in light of the following remarks. No new issues are raised nor is further search required as a result of the changes made herein. Entry of the Amendment is respectfully requested.

Allowed Claims 26-44

The Applicants thank the Examiner for the indication that claims 26-44 are allowed.

Claims 1-5, 8-15, 17-22, 24 and 25 over Smock in view of O'Donovan

Claims 1-5, 8-15, 17-22, 24 and 25 were rejected under 35 USC 103(a) as allegedly being obvious over U.S. Pat. No. 6,377,668 to Smock et al. ("Smock") in view of U.S. Pat. No. 6,396,908 to O'Donovan et al. ("O'Donovan"). The Applicants respectfully traverse the rejection.

Claims 1-5, 8-15, 17-22, 24 and 25 recite a method and apparatus sending a personalized message to a called-but-busy party and an Internet user while the called-but-busy party and the Internet user is connected to an Internet.

The Examiner acknowledges that Smock fails to disclose an Internet communication module to send a personalized notification message recorded by a remote telephone user (caller or calling party) to the called-but-busy party via TCP/IP protocol over the Internet (Office Action, page 3). The Examiner relies on O'Donovan to allegedly make up for the deficiencies in Smock to arrive at the claimed invention. The Applicants respectfully disagree.

The Examiner relies on O'Donovan to disclose a system that enables a calling party to record a message directed to a called party when the calling party is not instantly available for receiving the call and the recorded message to be transmitted to the called party via a data network such as the Internet (Office Action, page 3).

O'Donovan discloses allowing a caller to leave a personalized message with an indication given to the called party that a message awaits

retrieval (col. 7, lines 13-23). The called party then accesses the personalized message by dialing up using a telephone set to release the voice message (O'Donovan, col. 7, lines 23-27).

O'Donovan discloses a system for allowing a caller to leave a personalized message. However, the called part must call into a central messaging central to retrieve the personalized message. O'Donovan fails to disclose a method and apparatus sending a personalized message to a called-but-busy party and an Internet user while the called-but-busy party and the Internet user is connected to an Internet, as recited by claims 1-5, 8-15, 17-22, 24 and 25.

Neither Smock nor O'Donovan, either alone or in combination, disclose, teach or suggest a method and apparatus sending a personalized message to a called-but-busy party and an Internet user while the called-but-busy party and the Internet user is connected to an Internet, as cited by claims 1-5, 8-15, 17-22, 24 and 25.

At best, even if the theoretical combination of Smock and O'Donovan were obvious (which it is not), Smock modified by O'Donovan would result in a method and apparatus for sending notice to an Internet user that a message awaits retrieval. The Internet user would hang up the Internet connection and call into a central messaging center to retrieve the personalized message. Thus, the theoretical combination of Smock and O'Donovan fails to disclose or suggest a method and apparatus sending a personalized message to a called-but-busy party and an Internet user while the called-but-busy party and the Internet user is connected to an Internet, as recited by claims 1-5, 8-15, 17-22, 24 and 25.

For at least all the above reasons, claims 1-5, 8-15, 17-22, 24 and 25 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 6, 7, 16 and 23 over Smock in view of O'Donovan and Bajzath

Claims 6, 7, 16 and 23 were rejected under 35 USC 103(a) as allegedly being obvious over Smock in view of O'Donovan, and further in view of U.S. Pat. No. 6,144,644 to Bajzath ("Bajzath"). The Applicants respectfully traverse the rejection.

Claims 6, 7, 16 and 23 are dependent on claims 1, 12 and 19 respectively, and are allowable for at least the same reasons as claims 1, 12 and 19.

Claims 6, 7, 16 and 23 recite a method and apparatus sending a personalized message to a called-but-busy party and an Internet user while the called-but-busy party and the Internet user is connected to an Internet.

As discussed herein above, neither Smock nor O'Donovan teaches or suggests a method and apparatus sending a personalized message to a called-but-busy party and an Internet user while the called-but-busy party and the Internet user is connected to an Internet, as recited by claims 6, 7, 16 and 23.

The Examiner cites Bajzath for allegedly teaching a notification message sent to an Internet user and displayed on the Internet user's computer terminal (Office Action at 7).

Bajzath teaches use of a call waiting Internet server, and the transmission of **CALL WAITING** information to the Internet user. (Bajzath, Abstract) Bajzath in fact teaches away from the present invention by teaching that the caller has an option of leaving a voice mail message in a voice mailbox of the user, presumably at the PSTN central office. Thus, Bajzath discloses a similar system and method to O'Donovan's system and method that requires a user to call a central messaging system to retrieve a personalized message (col. 7, lines 43-46). Bajzath fails to disclose or suggest sending a personalized message to a called-but-busy party and an Internet user while the called-but-busy party and the Internet user is connected to an Internet, as claimed by claims 6, 7, 16 and 23.

Neither Smock, Bull or Bajzath teaches or suggest a method and apparatus sending a personalized message to a called-but-busy party and an

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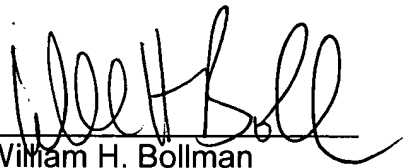
Internet user while the called-but-busy party and the Internet user is connected to an Internet, as claimed by claim 6, 7, 16 or 23.

Accordingly, for at least all the above reasons, claims 6, 7, 16 and 23 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,


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